

**THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RECEIVED

**LATTIME CONSTRUCTION and
HOME BUILDING, INC.,**

PLAINTIFF,

VS.

**CENTURYTEL SERVICE GROUP,
L. L. C., and THE BERRY COMPANY,**

DEFENDANTS.

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JOSEPH F. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CASE NO.: 1:05-cv-1062-MEF

RESPONSE TO THE COURT'S ORDER OF FEBRUARY 14, 2007

Comes now the Plaintiff in the above-styled cause and informs the Court that it has no objection to granting Defendant's first Motion In Limine as to opinions that might be expressed by the expert witness ,Earl Jernigan, CPA, in behalf of the Plaintiff. It notes that the motion does not seek an order barring Mr. Jernigan from testifying that he is an certified public accountant and that he prepared the income tax returns for the Plaintiff for the years 2003, 2004, and 2005, which they admit are authentic and admitted.

Plaintiff further moves the Court to accept its Response to Motion to Preclude filed herewith in its Trial Brief as its show cause why Defendant's second Motion in Limine to Preclude Evidence should not be granted. Should the Court not accept this as its show cause to Defendant's Second Motion in Limine to Preclude Evidence of Defendants, Plaintiff moves the Court to direct the clerk to inform Plaintiff's counsel so that he might enter a show cause response before February 20, 2007. Plaintiff makes this request because he prepared this Response to Motion to Preclude prior to the time he received the

Order of the Court of February 14, 2007, ordering a show cause in writing to Defendant's Second Motion in Limine to Preclude Evidence.

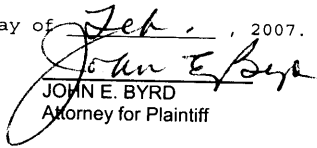
Plaintiff further informs the Court that it filed a Motion in Limine on or about February 8, 2007, prior to the Defendants Motions in Limine being filed which has not been acted on by the Court.

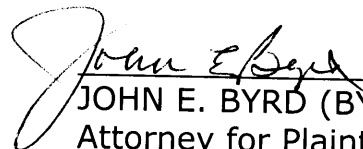
Dated this the 15 day of February, 2007.

CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the foregoing upon the Honorable Craig A. Alexander, Rumberger, Kirk, & Caldwell, Attorneys at Law, Lakeshore Park Plaza, Suite 125, 2204 Lakeshore Drive, Birmingham, Alabama 35209 by placing a copy of same properly addressed and postage prepaid in the U.S. mail.

Dated this the 15 day of Feb., 2007.


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